

*Examiner's Amendment*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

IN THE SPECIFICATION:

<sup>4</sup> KW 6/22/07  
[0003] The present invention relates generally to methods and apparatuses for automatically identifying media, or content, samples, and more particularly to a method and apparatus for automatically identifying a media, or content, sample based on a database of known media files by comparing certain aspects of the media sample to similarly obtained aspects of the known media files. KW 6/22/07

[0011] The present invention provides an automatic technique for creating a database of media, or content, files against which media, or content, samples are compared to identify the media samples. An exemplary embodiment of the present invention uses an existing system indirectly accessed via an existing company. An exemplary service, <http://www.CDDB.com> www.CDDB.com actually operates in the "background"--people who insert a CD in their PC usually do it through third parties, such as MusicMatch or Winamp. This service (<http://www.eddb.com>) ([www.cddb.com](http://www.cddb.com)) is also known as Gracenote, which has a large community of users, to harvest fingerprints, i.e., processed metadata. The user interface to Gracenote may occur through a third party, such as MusicMatch.com. For the sake of simplicity herein, we will leave out the indirect relationship between the user community and Gracenote.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Craig Cox on March 30, 2007.